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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,108	03/29/2004	Robert Lee Donovan	BA/Div App	1513
26860	7590	07/07/2004	EXAMINER	
LAW OFFICE OF DUNCAN PALMATIER 530 SOUTH ASBURY SUITE 5 MOSCOW, ID 83843			BUTLER, DOUGLAS C	
			ART UNIT	PAPER NUMBER
			3683	

DATE MAILED: 07/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/812,108	Applicant(s) DONOVAN, ROBERT LEE	
	Examiner Douglas C. Butler	Art Unit 3683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. All prior art cited in the parent application has been considered.
2. Claims 17-20 are pending with claims 1-16 canceled.
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Re the term "fin", the instant specification does not define "fin". A "fin" in the broadest interpretation is an elongated member. Note that a "fin" need not be flat. The instant specification does not state that the "fin" is flat. To add "flat" with respect to the instant "fins" would be new matter.
6. Claims 17 is rejected under 35 U.S.C. 102(b) as being anticipated by Breed et al (5,153,393):

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Fig 6 of Breed et al (393) discloses an elastomeric vibration damper with ^{radial} fins 43 extending from a ring-shaped base.

7. Claim ¹⁷ ~~12~~ is rejected under 35 U.S.C. 102(b) as being anticipated by Richards et al (2727407). Note ^{radial} ~~radial~~ fins 3 or 4.

8. Claims 17-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Tucker, Sr. (6,500,079).

See the elastomeric damper of Figs. 5, 6a with radial fins 502, 506 and reinforcing rings 512.

9. Claim 17 is rejected under 35 U.S.C. 102(e) as being anticipated by Jensen et al (6,247,687).

See Fig. 5 of Jensen et al which discloses radially extending fins 49a.

Reconsider the undue breadth of claim 17 which is anticipated by references too numerous to mention.

10. Claims 17 and 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Pierce (5,413,374).

^{radial}
Note ~~radial~~ fins 226 in Fig. 6.

11. Claims 17 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Rennie et al (6231456).

See Fig. 1 with vibration damping device 10 formed of an elastomeric material and with fins 14b. See column 2, lines 35-57. Re claim 19, 12 of Fig. 1 of Rennie et al is a "mounting cup".


12. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rennie et al.

While Rennie et al does not state that mounting cup 12 is made of foamed material, it would have been obvious at the time the invention was made to make the mounting cup out of foamed material since the choice of material is an obvious selection to adapt the device to the environment selected and since the specification attributes no particular significance to the choice of materials.

13. Claims 17-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Colford (5735746).

The elastomeric vibration damping device of Colford includes radially extending fins 3 with reinforcing ring at 4.

14. Claims 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Wilson (3703290).


 Fig. 3 of Wilson discloses a vibration dampening device with ^{radial} fins at 42, 44, stabilizing ring 36 and ring-shaped base 48.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exmr. Butler whose telephone number is (703) 308-2575. The examiner can normally be reached on Monday to Friday from 5:30 a.m. to 2 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Lavinder, can be reached on (703) 308-3421. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 6/30/04
DOUGLAS C. BUTLER
PRIMARY EXAMINER
AU3683

Butler/vs
June 25, 2004